

Wolpe	Wylie	Young (FL)
Wyden	Yatron	Zimmer

## NAYS—68

Archer	Glickman	Panetta
Armey	Green	Parker
Atkins	Guarini	Payne (VA)
Barrett	Hamilton	Pease
Barton	Hancock	Penny
Bateman	Hoagland	Pickett
Beilenson	Hopkins	Porter
Bennett	Hughes	Pursell
Bereuter	Ireland	Rohrabacher
Bliley	Jacobs	Sabo
Burton	Johnson (CT)	Schroeder
Chandler	Johnson (TX)	Schulze
Clinger	Kennedy	Skaggs
Condit	Kolbe	Slattery
Cooper	Luken	Stenholm
Cox (IL)	Matsui	Swift
Crane	Mazzoli	Thomas (CA)
DeLay	McCurdy	Valentine
Dreier	McMillan (NC)	Vento
Edwards (TX)	Nichols	Visclosky
Ewing	Oberstar	Walker
Gephardt	Olin	Wolf
Geren	Orton	

## NOT VOTING—26

Annunzio	Foglietta	Russo
Barnard	Gradison	Shuster
Costello	Jones (NC)	Smith (IA)
Dannemeyer	Laughlin	Weber
Dingell	Lehman (FL)	Whitten
Dornan (CA)	Levine (CA)	Yates
Dwyer	Manton	Young (AK)
Dymally	Martin	Zeliff
Early	Morrison	

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said resolution was agreed to.

A motion to reconsider the vote whereby the rules were suspended and said resolution was agreed to was, by unanimous consent, laid on the table.

*Ordered*, That the Clerk request the concurrence of the Senate in said amendment.

## ¶43.32 CLERK TO CORRECT ENGROSSMENT

On motion of Mr. MARTINEZ, by unanimous consent,

*Ordered*, That in the engrossment of the foregoing House amendment to the Senate amendment, the Clerk be authorized to correct section numbers, punctuation, cross references, and to make other technical corrections.

## ¶43.33 HOUR OF MEETING

On motion of Mr. GEPHARDT, by unanimous consent,

*Ordered*, That when the House adjourns on Tuesday, April 28, 1992, it adjourn to meet at 12 o'clock noon on Wednesday, April 29, 1992.

## ¶43.34 HOUR OF MEETING

On motion of Mr. GEPHARDT, by unanimous consent,

*Ordered*, That when the House adjourns on Wednesday, April 29, 1992, it adjourn to meet at 10 o'clock a.m. on Thursday, April 30, 1992.

## ¶43.35 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. GEPHARDT, by unanimous consent,

*Ordered*, That business in order for consideration on Wednesday, April 29, 1992, under clause 7, rule XXIV, the Calendar Wednesday rule, be dispensed with.

## ¶43.36 ORDER OF BUSINESS—RECESSES

On motion of Mr. GEPHARDT, by unanimous consent,

*Ordered*, That it may be in order on Thursday, April 30, 1992, for the Speaker to declare recesses at any time, subject to the call of the Chair, for the purpose of receiving in joint meeting His Excellency Richard von Weizsacker, President of the Federal Republic of Germany.

## ¶43.37 SPEAKER TO ACCEPT RESIGNATIONS, APPOINT TO COMMISSIONS

On motion of Mr. GEPHARDT, by unanimous consent,

*Ordered*, That, notwithstanding any adjournment of the House until Tuesday, April 28, 1992, the Speaker and the Minority Leader be authorized to accept resignations and to make appointments to commissions, boards and committees duly authorized by law or by the House.

## ¶43.38 PERMISSION TO FILE SUNDRY REPORTS

On motion of Mr. CONYERS, by unanimous consent, the Committee on Government Operations was granted permission until 6 p.m., Friday, April 24, 1992, to file sundry reports.

## ¶43.39 FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 109. Concurrent resolution providing for a conditional recess or adjournment of the Senate from Friday, April 10, 1992, or Saturday, April 11, 1992, until Tuesday, April 28, 1992, and an adjournment of the House on the legislative day of Thursday, April 9, 1992, until Tuesday, April 28, 1992.

## ¶43.40 PROVIDING FOR THE ADJOURNMENT OF THE TWO HOUSES

The SPEAKER pro tempore, Mr. DE LA GARZA, laid before the House the following privileged concurrent resolution (S. Con. Res. 109):

*Resolved by the Senate (the House of Representatives concurring)*, That when the Senate recesses or adjourns at the close of business on Friday, April 10, 1992, or Saturday, April 11, 1992, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, it stand recessed or adjourned until 9:30 a.m. on Tuesday, April 28, 1992, or until 12 o'clock noon on the second day after members are notified to reassemble pursuant to section 2 of this resolution, whichever occurs first; and that when the House of Representatives adjourns on the legislative day of Thursday, April 9, 1992, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, it stand adjourned until 12 o'clock noon on Tuesday, April 28, 1992, or until 12 o'clock noon on the second day after Members are notified to reassemble pursuant to section 2 of this resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority of the House, shall notify the Members of the Senate and the House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

When said concurrent resolution was considered and agreed to.

A motion to reconsider the vote whereby said concurrent resolution was agreed to was, by unanimous consent, laid on the table.

*Ordered*, That the Clerk notify the Senate thereof.

## APRIL 10 (Legislative Day of APRIL 9), 1992

## ¶43.41 MEDICAID PROGRAM WAIVER

On motion of Mr. WAXMAN, by unanimous consent, the Committee of the Whole House on the state of the Union was discharged from further consideration of the bill (H.R. 4572) to direct the Secretary of Health and Human Services to waive certain requirements under the medicaid program during 1992 and 1993 for health maintenance organizations operated by the Dayton Area Health Plan, Dayton, Ohio.

When said bill was considered and read twice.

The following amendment in the nature of a substitute, recommended by the Committee on Energy and Commerce, was agreed to:

Strike out all after the enacting clause and insert:

## SECTION 1. APPLICABILITY OF ENROLLMENT MIX REQUIREMENT TO CERTAIN HEALTH MAINTENANCE ORGANIZATIONS PROVIDING SERVICES UNDER DAYTON AREA HEALTH PLAN.

(a) HEALTH PLAN NETWORK.—With respect to the unincorporated association affiliated with the Dayton Area Health Plan, Inc., that is known as the Health Plan Network, the Secretary of Health and Human Services (hereafter referred to as the "Secretary") shall waive the requirement described in section 1903(m)(2)(A)(ii) of the Social Security Act for the period described in section 2.

## (b) DAYMED, INC.—

(1) IN GENERAL.—Subject to paragraph (2), for purposes of determining the compliance of the DAYMED Health Maintenance Plan, Inc., with the requirement described in section 1903(m)(2)(A)(ii) of the Social Security Act for the period described in section 2, the Secretary may not treat individuals enrolled with the Plan who are described in section 1902(l)(1)(D) of such Act as individuals enrolled with the Plan on a prepaid basis.

(2) LIMITATION ON NUMBER OF INDIVIDUALS EXEMPTED.—The number of individuals enrolled with the DAYMED Health Maintenance Plan, Inc., whom the Secretary may not treat as individuals enrolled with the Plan on a prepaid basis pursuant to paragraph (1) may not exceed 4,000.

## SEC. 2. PERIOD OF APPLICABILITY.

The period referred to in subsections (a) and (b)(1) of section 1 is the period that begins on May 1, 1992, and ends on January 31, 1994.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title, and passed.

By unanimous consent, the title was amended so as to read: "An Act to direct the Secretary of Health and Human Services to grant a waiver of the requirement limiting the maximum number of individuals enrolled with a health maintenance organization who may be beneficiaries under the medicare or medicaid programs in